



THE CITY OF SAN DIEGO

**CITIZENS' EQUAL OPPORTUNITY COMMISSION  
REGULAR BUSINESS MEETING**

***\*CD of Recorded Minutes available upon request***

**MINUTES**

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**Wednesday, January 6, 2010 - 6 P.M. – 8 P.M.  
City Administration Building  
Council Committee Room  
202 C Street – 12<sup>th</sup> Floor  
San Diego, CA 92101**

**Commissioners Present:**

Dan Salas (Vice-Chair)  
Alden Salcedo  
Maurice Wilson

Sarah Young  
Debbie Day  
Brad Barnum

**Excused/absent Commissioners:** Rebecca Llewellyn, Shirley Weber, Stamp Corbin, and Eileen Chaske

**MAYOR'S STAFF:**

Debra Fischle-Faulk, Director Administration  
Hildred Pepper, Director, Purchasing & Contracting  
Terrell Breaux, EOC Supervisor;  
Laura Davis, EOC, WPO

**GUEST'S:**

Patrick Hunter

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- I. CALL TO ORDER:** The meeting was called to order at 6:05 p.m. by Vice Chairperson Dan Salas.
- II. APPROVAL OF MINUTES AND AGENDA:** Minutes of December 2, 2009 and Today's Agenda were unanimously approved.
- III. PUBLIC COMMENT: NONE**
- IV. ACTION ITEMS:** *Correction and Clarification Requested to December 2, 2009 minutes regarding Small Local Business Enterprise Program*

**NOTE: The December meeting minutes inaccurately reported that the Small Local Business Enterprise Program was approved by Council. The minutes should have reported that the Rules Committee unanimously approved the program and forwarded it to the full City Council.**

- The Ordinance Amending Chapter 2, Article 2, Division 30 of the SDMC Relating to a Small and Local Business Program for Public Works Contracts was introduced to Council on January 11, 2010. The second reading for this Ordinance is on January 26<sup>th</sup>, 2010.
- The Resolution Approving Revisions to Council Policy NO. 100-10, Small and Local Business Preference for Goods, Services, and Consultant Contracts Relating to the City of San Diego Proposed Small Local Business Enterprise Program was Unanimously Adopted by Council on January 11, 2010.

**V. DISCUSSION ITEMS: NONE**

**VI. Presentation: EEO Annual Report 2007-2008 Presentation by Personnel Department- Glenn Encarnacion- Deputy Personnel Director and Harold Barclay Equal Employment Investigation Manager: (Handouts Provided)**

There was significant discussion regarding tracking employees with disabilities, as well as, the proper representation of ethnic and gender representation

- **Requested Action:** (Dr. Sarah Young): *How can I report to the disabled community what the City of San Diego is actually doing something? I would love to write a report in support of your efforts but I need to have proof that you are actually doing it.*  
Personnel Staff Response: We will take your request back to our Director and consult with our attorneys for a legal opinion. We have an ADA Committee and we do discuss these types of issues. I will take your concerns to the committee and also get the involvement of this committee at one of our ADA Committee meetings.
- **Action Item:** Request from City Attorney a short legal memo explaining why we don't keep employment data on employing people with Disabilities.
- The presenters recommended the Commissioners read pages 8- 11, which is a snap shot of the City's ethnic and gender representation. The information is listed by occupational category. The report is provided to the Mayor and Department Directors and above throughout the City. Personnel reports under-representations to Department Directors and avail themselves to the Departments to assist with closing gaps. It was made

clear that the report is simply an indicator. The Commissioners were made aware that these are snap shots and some Departments may have changed or are no longer together.

- SAP impact on diversity, recruiting and employment efforts was discussed. Personnel staff is looking into different systems in the hopes that one of them can provide the service needed. The timeline for this is still in the future, hopefully this year or worst case scenario would be 3 years.
- *Commissioner: Suggested that there are probably other governmental agencies that would be happy to help sponsor something like this.*  
Personnel Staff Response: SANDAG is currently full filling that role for us.
- *Commissioner: Is there any EEO Diversity Training taking place?*  
Personnel Staff Response: The Department that used to give this training is no longer together, it was not the intention of it being a one-time training. Training as a whole has suffered due to the budget issues. It used to be mandatory training throughout the city but that is no longer the case.
- *Commissioner: We would like to have diversity in all levels not just at the workforce level. I am sure that you are already addressing this issue.*  
Personnel Staff Response: That is correct Commissioner.
- *Commissioner: Am I correct in saying that the City's Equal Opportunity Program that was started in 1991 was a 10 year Program, and that to date there is not a new program in place?*  
Personnel Staff Response: That is correct, procedurally it keeps the old program in place but it hasn't been vetted legally in a post Proposition 209 environment. The City Attorney's Office is not currently working on this. 2001 would have been the year when the original 10 years expired. We solicited an opinion and the opinion was that we were not in violation. In closing thank you for your attention and we will be following up with you on the questions that have been asked pertaining to our presentation.
- **EOC Monthly Report: Presented by Terrell Breaux, EOC Supervisor/ Handouts provided**
  - 3 Construction Contracts were awarded for December
  - 1 Consultant Contract issues – City Funded
  - There were no waivers issued or complaints filed by firms or individuals doing business for the City.

- 2 sites visits made in December and no violations found.
- Labor Compliance Program was approved by the DIR

**Requested Action:** *We would like to see a list of all of the contractors that bid the project? We have asked before and have not received...and are the subcontractors listed that bid the project as well?*

**Terrell Breaux** - That was the Bid Tabs report. You should be receiving those.  
**Hildred Pepper** - That information is available and we produce the report. We had agreed that we (Purchasing and Contracting) would provide the information to the EOCP and they would in turn give you the information. I will check on the reason for EOCP not receiving the information. It goes to Council via our internal 1472 document. I will check on the distribution list and make sure that you get them.

*There was lengthy discussion regarding the pie chart information provided as a hand out in the Staff Report. The discussion led to a decision that the commission would wait for the Bid Tabs before further commenting on the pie chart information.*

**VII. SUBCOMMITTEE REPORT: NONE**

**VIII. COMMISSIONERS ANNOUNCEMENTS:**

- **NAACP of San Diego is joining CALTRANS in defending against the AGC Lawsuit**

**Requested Action:** *The Commissioners would like to have Debra Fischle-Faulk give a briefing on Green Jobs. This issue is going to Rules Committee and the Commissioners are requesting information on how it will affect small business and diversity. The request that this subject be placed on the agenda for the next meeting.*

**IX. VICE CHAIR'S REPORT: NONE**

**X. ADJOURMENT: 8:15P.M   Vote: Passed Unanimously (6-0)**

\*\*\*Materials Provided

- I. Minutes of December 2, 2009
- II. EEO Annual Report 2007-2008 Presentation
- III. Staff Report plus attachments



REPORT TO CITIZENS EQUAL OPPORTUNITY COMMISSION

DATE: January 6, 2010  
TO: CEOC Chair and Commissioners  
FROM: Terrell Breaux, Equal Opportunity Contracting  
SUBJECT: Construction and Consultant contracting activities for December 2009

- 1) 3 construction contracts were awarded for the month of December. See spreadsheet
- 2) 1 Consultant contract issued - City funded.  
Manuel Oncina Architects, not certified, As-Needed Consultant for Architectural Svces - Contract 2 , \$3,000,000  
Subs:  
Nasland Engineering, 70K, not certified  
Ninyo & Moore, 70K, MBE  
Orion Engineering, 70K, not certified  
Schmidt Design 70K, not certified  
Teza Design, 70K, DBE  
Turpin & Rattan, 70K, not certified

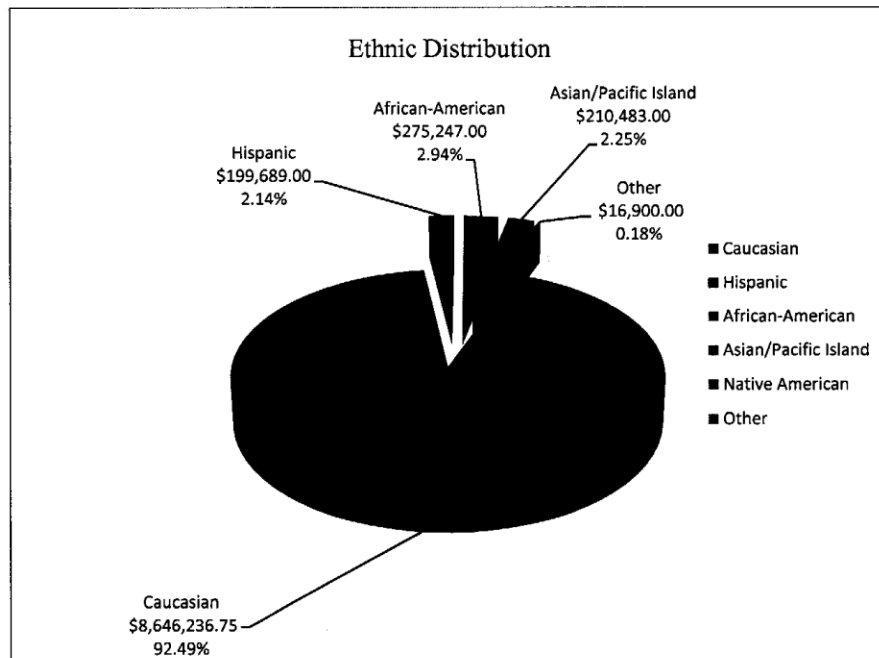
Number of SCOPe contracts closed-out and number of Final Summary Reports received in last 30 days.

No SCOPe contracts closed. Five (5) Final Summary Reports reviewed and verification of payments conducted. No issues found.

- 3) A brief description of any waivers issued or complaints files by firms or individuals doing business with The City of San Diego.  
None
- 4) A brief, general summary of any compliance violations found by staff during EOC's routine monitoring activities.

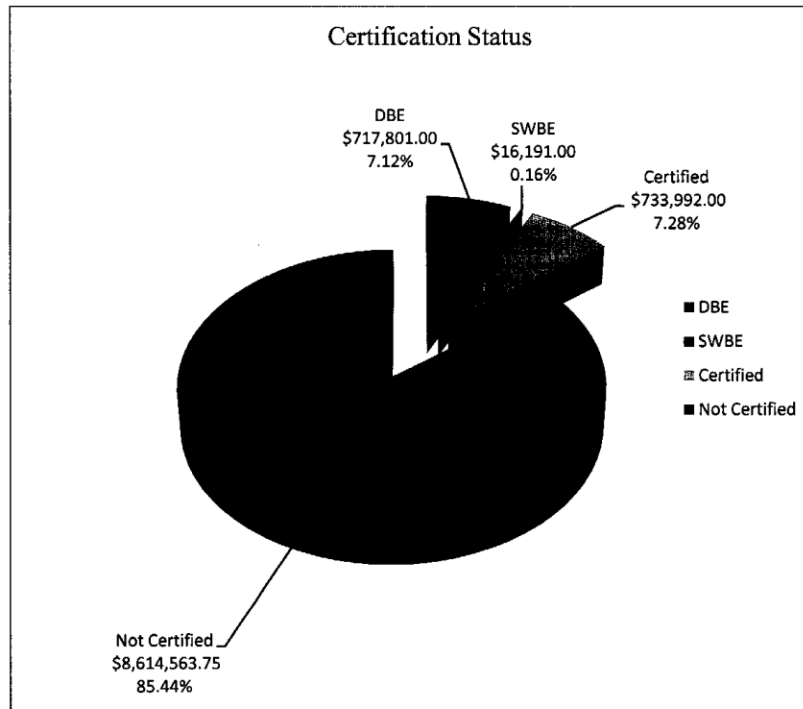
Two site visits were made for December with no violations found.

## CONTRACT AWARDS DEC 09



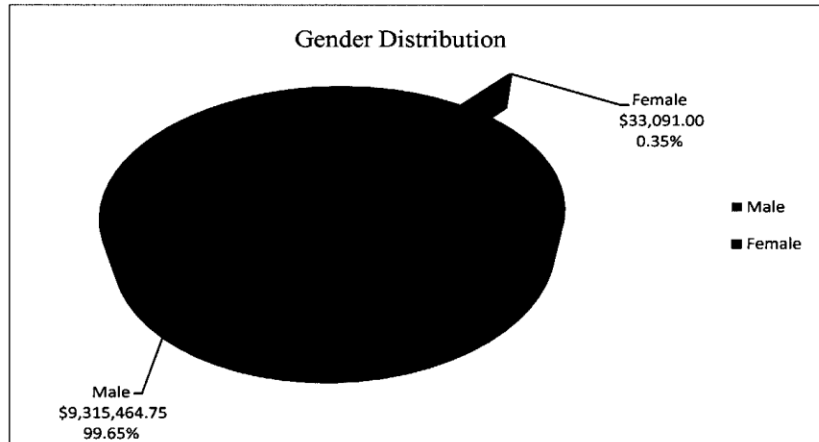
	Number of Each	Dollar Value	Percentage
Caucasian	11	\$8,646,236.75	92.49%
Hispanic	1	\$199,689.00	2.14%
African-American	1	\$275,247.00	2.94%
Asian-Pacific	1	\$210,483.00	2.25%
Other	1	\$16,900.00	.18%
<b>Total Prime &amp; Subcontractors</b>	<b>15</b>	<b>\$9,348,555.75</b>	<b>100%</b>

## CONTRACT AWARDS DEC 09



	Number of each	Dollar Value	Percentage
DBE	4	\$717,801.00	7.12%
SWBE	1	\$16,191.00	.16%
<b>Certified</b>	5	\$733,992.00	7.28%
<b>Not Certified</b>	10	\$8,614,563.75	85.44%
<b>Total</b>	15	<b>\$9,348,555.75</b>	<b>100%</b>

## CONTRACT AWARDS DEC 09



	Number of Contractors	Dollar Value	Percentage
Male	13	\$9,315,464.75	99.65%
Female	2	\$33,091.00	.35%
<b>Total Prime &amp; Subcontractors</b>	<b>15</b>	<b>\$9,348,555.75</b>	<b>100%</b>



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